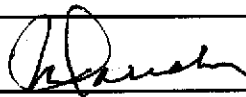


United States District Court, Northern District of Illinois

MAN

Name of Assigned Judge or Magistrate Judge	JOHN W. DARRAH	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 5364	DATE	9-2-10
CASE TITLE	United States ex rel. Eddie Harris (#B-79720) vs. Warden Guy Pierce		

DOCKET ENTRY TEXT:

The petitioner's motion to proceed *in forma pauperis* [#3] is granted. However, the petition for a writ of habeas corpus on file is stricken. The petitioner is directed to submit an amended petition plus a judge's copy (including a complete copy of any attached exhibits) within thirty days of the date of this order. The amended petition must be on the court's required form. The Clerk is directed to send the petitioner an amended habeas form and instructions along with a copy of this order. Failure to comply within thirty days of the date of this order will result in summary dismissal of this case pursuant to Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Eddie Harris, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner challenges his murder conviction on the grounds that: (1) he should have been allowed to withdraw his guilty plea because it was not knowingly and intelligently made; (2) his defense counsel was ineffective in multiple respects; and (3) he is actually innocent of the underlying charge.

The petitioner having shown that he is indigent, his motion to proceed *in forma pauperis* is granted.

However, the petition on file is unacceptable. Because the petitioner has not used the court's required form, *see* Local Rule 81.3(a) (N.D. Ill.), the court cannot make a threshold determination as to whether the petitioner's claims have been properly exhausted and are timely.

The petitioner is granted thirty days to submit an amended petition. The amended petition must be on the court's required form. The petitioner must write both the case number and the judge's name on the amended petition and return it to the Prisoner Correspondent. As with every document filed with the court, the petitioner must include the original plus a judge's copy of the amended petition. The judge's copy must include a complete set of any exhibits attached to the original amended petition.

(CONTINUED)

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STATEMENT (continued)

The amended petition replaces or supersedes the original petition. In other words, after the petitioner submits an amended petition, the court will no longer consider the original petition. Thus, grounds contained in the original petition will not be considered if they are not included in the amended petition. Furthermore, inmates generally have only one opportunity to seek federal habeas review. Therefore, the petitioner should fill out his amended petition carefully and completely, including any and all grounds he wants the court to consider in determining the validity of his conviction.

The Clerk is directed to send the petitioner an amended habeas form and instructions for filing along with a copy of this order. Failure to comply with these directives within thirty days will result in summary dismissal of this case pursuant to Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254.